

CR-1865-2022 (O&M) and connected cases

277 (5 cases)

2023:PHHC:059632

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**Date of decision: 25.04.2023
(1) CR-1865-2022 (O&M)**

National Insurance Company Limited ...Petitioner
VS

Ram Naresh Jha and others ...Respondents
(2) CR-1868-2022 (O&M)

National Insurance Company Limited ...Petitioner
VS

Manpreet Kaur and others ...Respondents
(3) CR-1872-2022 (O&M)

National Insurance Company Limited ...Petitioner
VS

Micky Sharma and others ...Respondents
(4) CR-1873-2022 (O&M)

National Insurance Company Limited ...Petitioner
VS

Jyoti Devi and others ...Respondents
(5) CR-1882-2022 (O&M)

National Insurance Company Limited ...Petitioner
VS

Jai Kishan and others ...Respondents

CORAM: HON’BLE MR. JUSTICE ARUN MONGA

Present: Ms. Komal Jit Kaur, Advocate for
Mr. Paul S. Saini, Advocate,
For the petitioner(s).

Mr. N.K.Verma, Advocate,
For respondent No.1 in CR-1868-2022.

Mr. I.S.Kooner, Advocate,
For respondents- driver and owner in all the cases.

Mr. Mitul Singh Rana, Advocate
For the respondent-claimants in CR-1865, 1872, 1873 and
1882-2022.

ARUN MONGA, J. (ORAL)

Vide this common order and judgment, above-mentioned five revision petitions are being disposed of since facts are analogous and issues raised therein are common. For brevity, recitals are taken from CR-1865-2022.

2. Petitioner before this Court is Insurance Company seeking to set aside impugned order dated 17.02.2022(Annexure P-4) passed by learned Motor Accidents Claims Tribunal, Hoshiarpur vide which application for impleading driver, owner and insurer of the car as party, was dismissed.

3. Learned counsel for the revisionist-petitioner, *inter alia*, contends that learned MACT erred in dismissing the application moved by petitioner with a prayer to implead the driver, owner and insurer of the Car bearing registration No. PB-12-F-3528, involved in the accident in question because the said Car is stated to have hit the backside of the Truck, i.e. the alleged offending vehicle in the said accident.

4. I have heard learned counsel for parties and gone through the case file.

5. What emerges thus is that there being an allegation of contributory negligence on the part of driver of the vehicle in which claimants were travelling, the same cannot be adjudicated *ex parte* without driver and owner being made party. Depending on the determination of the question of contributory negligence, learned Tribunal may also have to eventually decide on whom and to what extent the liability arising in the case is to be fastened.

6. Be that as it may, taking a wholesome view of the matter, it appears to be just and proper that request of the Insurance Company to

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implead driver, owner and insurer of the vehicle, in which the claimants were travelling, is allowed.

- 7. In the premise, revision petitions are allowed. Impugned order is set aside. Application seeking impleadment filed before learned Tribunal is allowed. Learned Tribunal to proceed further, in accordance with law.
- 8. Pending application(s), if any, shall also stand disposed of.
- 9. Photocopy of this order be placed on the connected case files.

(ARUN MONGA)
JUDGE

25.04.2023
vandana

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No